

REMARKS

Claims 1-44 are all the claims pending in the application.

Applicants amended independent Claims 1, 20-21, and 40 so that each recites “an incident light from said illuminator is transmitted to said optical path control layer through said visual-side substrate,” as supported by the description at, for example, paragraph [0026] of the specification.

No new matter has been added.

Applicants note with appreciation the examiner’s indication at page 2 of the Office Action that “claims 21-44 are considered to be drawn to the same species as claims 1-20.”

I. RESPONSE TO PROVISIONAL DOUBLE PATENTING REJECTIONS

Referring to Section No. 1 at pages 2-4 of the final Office Action, the examiner has provisionally rejected Claims 1 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over: (1) Claims 1-8 of co-pending application 09/898,060; (2) Claims 1-22 of co-pending application no. 09/878,268; and (3) Claims 1-38 of co-pending application 10/225,532.

As these are provisional rejections, Applicants elect to defer addressing their merits. Such deferral is clearly contemplated by MPEP § 804(I)(B), which states that a “provisional” double patenting rejection is designed simply to make Applicants aware of a potential problem.

Applicants reserve the right to address the merits of the provisional double patenting rejections or submit a terminal disclaimer(s) to obviate the rejections.

II. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 103

Referring to Section Nos. 2-6 at pages 4-19 of the final Office Action, the Examiner has rejected, under 35 U.S.C. § 103(a): (1) Claims 1-8, 12-14, 20-28, 32-34, and 40-44 as being unpatentable over Masuda et al. (US 6,340,999; hereinafter “Masuda”) in view of Egawa et al. (US 6,295,104 B1; hereinafter “Egawa”); (2) Claims 13-14 and 33-34 as being unpatentable over

Masuda in view of Egawa and Evanicky et al. (US 6,243,068 B1; hereinafter “Evanicky”); (3) Claims 9-11, 15-17, 29-31, and 35-37 as being unpatentable over Masuda in view of Egawa and Yano et al. (JP 11-326903; hereinafter “Yano”); and (4) Claims 18-19 and 38-39 as being unpatentable over Masuda in view of Egawa and Nemoto et al. (US 6,456,344; hereinafter “Nemoto”).

Applicants respectfully traverse each of the present §103 rejections.

(A) Applicants amended independent Claims 1, 20-21, and 40 so that each recites “an incident light from said illuminator is transmitted to said optical path control layer through said visual-side substrate.” None of the applied combinations of art teaches or suggests this feature of the present independent claims.

In Masuda, an incident light emitted from the illuminator (2) directly enters to the light guide (3, which corresponds to the claimed optical path control layer). The incident light does not transmit through the glass substrate (5a, which corresponds to the claimed visual-side substrate). Egawa does not remedy this deficiency; neither do any of the other secondary references. Thus, no cited document or combination of cited documents discloses, teaches, or suggests the claimed feature that an incident light from the illuminator is transmitted to the optical path control layer through the visual-side substrate.

(B) One of the features of the claimed subject matter is that an illuminator is disposed at a side surface of a liquid crystal panel (Claim 1), a side surface of a visual-side substrate (Claim 10), or a side surface of a transparent layer (Claims 21 and 40).

In the final Office Action, the examiner takes the position that the members 2, 5, 5a and 10a of Masuda correspond to the illuminator, the liquid crystal panel, the visual-side substrate and the transparent layer of the presently claimed subject matter, respectively (please see pages 4-5 of the final Office Action).

Applicants respectfully disagree. The illuminator (2) of Masuda is disposed on a side surface of the light guide (3). The illuminator (2) is clearly not disposed at a side surface of the liquid crystal panel.

In addition, in presently claimed subject matter (Claims 21 and 40), it is recited that “*a visual side substrate [comprises] a transparent layer*” In contrast, the transparent layer (10a) of Masuda is clearly a separate member from the visual side substrate (5a). Therefore, the examiner’s position that the member 10a of Masuda corresponds to the claimed transparent layer is not reasonable.

Thus, Masuda does not disclose the claimed feature that an illuminator is disposed at a side surface of a liquid crystal panel, a side surface of a visual-side substrate, or a side surface of a transparent layer. Further, Egawa, which is cited in connection with an angle of slopes, does not remedy this deficiency. Therefore, the presently claimed subject matter is not disclosed or suggested, even when the disclosures of Masuda and Egawa are combined in the manner proposed by the examiner. None of the other secondary references cures the deficiency noted herein with respect to Masuda and Egawa.

Still further, the examiner takes contradictory positions within the final Office Action.

Regarding Claim 2, the examiner takes the position that Masuda discloses the claimed feature that a low-refractive-index transparent layer is disposed between the transparent substrate and the transparent electrode (please see page 7 of the final Office Action). On the other hand, the examiner states that the low-refractive-index transparent layer and the transparent substrate correspond to the members 10a and 3 of Masuda, respectively, and the transparent electrode is not shown in Masuda (please see page 5 of the final Office Action).

The examiner’s positions contradict each other. In fact, Masuda does not disclose or suggest the presently claimed subject matter.

(C) The present final Office Action is effectively identical to the final Office Action mailed September 7, 2005. It was unreasonable for the examiner to issue such an Office Action, and it is not within the spirit of compact prosecution.

As explained at MPEP §70707(f), where an applicant has traversed any rejection, the examiner should, if he repeats the rejection, take note of the applicant’s argument and answer the substance of it.

The examiner, however, has not done so in the present final Office Action. For example, the “Response to Arguments” section at pages 17-19 of the present final Office Action is identical to the “Response to Arguments” section found at Section No. 6 on pages 18-21 of the final Office Action mailed September 7, 2005. The examiner has not addressed any of Applicants arguments from the Response filed December 7, 2005.

Indeed, the remarks set forth in the December 2005 Response remain valid; each of the present §103 rejections should be withdrawn for at least the reasons set forth at pages 7-14 of the December 2005 Response. Accordingly, Applicants hereby incorporate by reference herein the remarks set forth at pages 7-14 of the December 2005 Response. For the examiner’s convenience, a brief summary is provided below.

First, there would have been no motivation to modify Masuda in view of Egawa. Masuda and Egawa are directed to front light LCDs of different construction. There is no teaching or suggestion (or even any reason to believe) that the modification of the specific length interrelationship disclosed in Masuda to incorporate the angular relationship of grooves of Egawa would provide anything other than a deleterious result. Thus, one of ordinary skill in the art would not have modified the specific construction of Masuda to provide the grooves of Egawa.

Second, the examiner’s identification of multiple discrete layers separated by gaps as a single “substrate” is unreasonable. The examiner’s allegation that the separate light guide 3 and glass substrate 5a of Masuda somehow constitute a single “substrate” is both unreasonable and unsupported by Masuda. The only reasonable reading of Masuda is that only glass substrate 5a corresponds to the recited “visual-side substrate.”

Third, the examiner’s identification of a single element of Masuda as both the recited “visual side substrate” and “optical path control layer” is unreasonable. The examiner’s allegation that upper surface 3c of Masuda corresponds to the “optical path control layer” and is somehow different from the light guide 3 itself, is both unreasonable and unsupported by Masuda. The only reasonable interpretation of Masuda is that light guide 3 corresponds to the

recited “optical path control layer,” and that glass substrate 5a corresponds to the recited “visual side substrate.”

Fourth, as stated above, the “Response to Arguments” section at pages 17-19 of the present final Office Action is identical to the “Response to Arguments” section found at Section No. 6 on pages 18-21 of the final Office Action mailed September 7, 2005. In the next communication to Applicants, Applicants kindly request that the examiner respond to Applicants’ responses (presented at pages 13 and 14 of the December 2005 Response) to the “Response to Arguments” section found at Section No. 6 on pages 18-21 of the final Office Action mailed September 7, 2005, which the examiner has repeated at pages 17-19 of the present final Office Action. Applicants’ remarks presented at pages 13 and 14 of the December 2005 Response have not been repeated here for reasons of brevity, but as stated above, are incorporated herein by reference.

For all of the foregoing reasons, reconsideration and withdrawal of each of the present §103 rejections is requested.

III. CONCLUSION

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

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CUSTOMER NUMBER

/L. Raul Tamayo/

L. Raul Tamayo
Registration No. 47,125

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